REMARKS

Applicant respectfully requests reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks.

Claims 1-18 are pending in the application, with claim 1 being independent and claims 9-18 withdrawn. Claim 1 is amended herein. Support for the claim amendments can be found in the original disclosure at least at claim 15, ¶ [0058]-[0062], FIGS. 8-9, Abstract, claim 9, ¶ [0004]-[0005], [0032], and claim 10. No new matter has been added.

§ 101 Rejections

Claim 1 stands rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicant respectfully traverses the rejection.

Nevertheless, without conceding the propriety of the rejection and in the interest of expediting allowance of the application, claim 1 has been amended and is believed to be allowable.

§ 102 Rejections

Claims 1 and 5 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,922,725 (Lamming). Applicant respectfully traverses the rejection.

Nevertheless, without conceding the propriety of the rejection and in the interest of expediting allowance of the application, claim 1 has been amended as proposed during the interview and is believed to be allowable.

Independent claim 1, as presently presented, recites, among other things, "asynchronous transport of messages in the partially connected ad hoc network wherein

the protocol agent connects to one network at a time," "deriving a stochastic model of the dynamically changing topology," and "using the stochastic model, evaluating routes for delivering the messages according to the expected path length."

Lamming is directed to an apparatus to process a document service request and discloses a mobile computing device having at least two communications channels which are used to form a path between a document server and an output device. Lamming, column 4, lines 6-16. However, Lamming fails to disclose or suggest "asynchronous transport of messages in the partially connected ad hoc network wherein the protocol agent connects to one network at a time," "deriving a stochastic model of the dynamically changing topology," and "using the stochastic model, evaluating routes for delivering the messages according to the expected path length," as presently recited in independent claim 1.

Accordingly, claim 1 is allowable for at least the foregoing reasons.

Dependent claim 5 depends from independent claim 1 and is allowable by virtue of this dependency, as well as for additional features that it recites.

§ 103 REJECTIONS

Claims 2-4 and 6-8 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,922,725 (Lamming) in view of U.S. Patent No. 7,200,674 (Sapuram). Applicant respectfully traverses the rejection. Nevertheless, without conceding the propriety of the rejection and in the interest of expediting allowance of the application, claim 1 has been amended as proposed during the interview and is believed to be

allowable. Dependent claims 2-4 and 6-8 depend from independent claim 1 and are allowable by virtue of this dependency, as well as for additional features that they recite.

Independent claim 1, as presently presented, recites, among other things, "asynchronous transport of messages in the partially connected ad hoc network wherein the protocol agent connects to one network at a time," "deriving a stochastic model of the dynamically changing topology," and "using the stochastic model, evaluating routes for delivering the messages according to the expected path length."

As mentioned above, Lamming fails to disclose or suggest "asynchronous transport of messages in the partially connected ad hoc network wherein the protocol agent connects to one network at a time," "deriving a stochastic model of the dynamically changing topology," and "using the stochastic model, evaluating routes for delivering the messages according to the expected path length," as presently recited in independent claim 1.

Sapuram was cited for its alleged teaching of a "distributed applications and providing a gateway or bridge between those applications." Office Action, page 4. However, Sapuram fails to remedy the deficiencies in Lamming noted above with respect to claim 1. For example, Sapuram fails to disclose or suggest "asynchronous transport of messages in the partially connected ad hoc network wherein the protocol agent connects to one network at a time," "deriving a stochastic model of the dynamically changing topology," and "using the stochastic model, evaluating routes for delivering the messages according to the expected path length," as presently recited in independent claim 1.

Thus, Lamming and Sapuram, whether taken alone or in combination (assuming for the sake of argument that they can be combined), fail to disclose or suggest the features of claims 2-4 and 6-8.

CONCLUSION

For at least the foregoing reasons, claims 1-8 are in condition for allowance. Applicant respectfully requests reconsideration and withdrawal of the rejections and an early notice of allowance.

If any issue remains unresolved that would prevent allowance of this case, **Applicant requests that the Examiner contact the undersigned to resolve the issue**.

Respectfully Submitted,

Lee & Hayes, PLLC
Representatives for Applicant

Dated: 7/22/08

Dominic S. Lindauer (dominic@leehayes.com; x229)
Registration No. 61417
Christopher Lattin (christopher@LeeHayes.com; x263)
Registration No. 56064
Customer No. 22801

Telephone: (509) 324-9256
Facsimile: (509) 323-8979
www.leehayes.com